

Message Text

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FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC 4243

INFO AMEMBASSY BANGKOK

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AMEMBASSY MANILA

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E.O. 11652: N/A

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SUBJ: DATUK HARUN: FORMER UMNO STRONGMAN AGAIN IN THE NEWS

REF: (A) KUALA LUMPUR 3930, (B) KUALA LUMPUR 1719, (C) KUALA LUMPUR
1403

1. SUMMARY. FORMER UMNO YOUTH LEADER/SELANGOR CHIEF MINISTER HARUN, BESEIGED BY VARIETY OF OFFICIAL CHANGES RELATING TO CORRUPTION AND ABUSE OF POWER, USES FORUM AS INDEPENDENT MEMBER OF SELANGOR STATE ASSEMBLY TO ASSAIL NEW STATE REGIME FOR INADEQUATE RESPONSE TO QUESTIONS RE EXTENT OF COMMUNIST INFILTRATION INTO STATE. UMNO DISCIPLINE COMMITTEE HEADED BY DEPUTY PRIME MINISTER WILL CONSIDER HARUN'S APPEAL FOR READMISSION TO THE PARTY. COURT BEGINS HEARING CASE AGAINST HIM FOR ALLEGED FORGERY AND CRIMINAL BREACH OF TRUST. END SUMMARY.

2. LOCAL ATTENTION AGAIN HAS FOCUSED ON FORMER SELANGOR CHIEF MINISTER AND EX-UMNO YOUTH LEADER DATUK HARUN BIN IDRIS,
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WHO WAS EXPELLED FROM UMNO IN LATE MARCH FOR "BREACH OF PARTY DISCIPLINE," OUSTED FROM CHIEF MINISTER POSITION FEW DAYS LATER, AND CONVICTED IN MAY IN FIRST OF SERIES OF TRIALS PENDING ON A VARIETY OF CORRUPTION CHARGES AGAINST HIM (REFTELS). ON AUG 5 HARUN TOOK HIS SEAT FOR THE FIRST TIME AS AN INDEPENDENT IN THE SELANGOR STATE ASSEMBLY AND USED THE OCCASION TO TAKE NEW CHIEF MINISTER DATUK HORMAT BIN RAFEI TO TASK FOR "MISLEADING" THE PEOPLE INTO THINKING THAT THE STATE HAD NO COMMUNIST TERRORISTS WHEN, ACCORDING TO HARUN, "WE KNOW THERE ARE." EXCHANGE OCCURRED WHEN RAFEI WAS ASKED BY AN ASSEMBLYMAN ABOUT GOVERNMENT COUNTERMEASURES IN SELANGOR AGAINST COMMUNIST TERRORISTS AND DUCKED THE QUESTION BY SAYING THAT SINCE THERE WERE NO SIGNS OF ARMED COMMUNISTS IN THE STATE THAT NO OPERATIONS WERE CARRIED OUT AGAINST THEM. HARUN IN HIS REJOINDER ALSO CONTENDED THAT TERRORISTS NEED NOT BE UNIFORMED, CITED PRIME MINISTER HUSSEIN ONN'S REPEATED WARNINGS AGAINST COMMUNIST THREAT, AND STRONGLY HINTED CURRENT STATE ADMINISTRATION WAS NEGLIGENT IN NOT TAKING THIS THREAT SERIOUSLY. PRESS REPORTS SUGGESTED HARUN, THE OLD PRO, HAD RAFEI, THE NEWCOMER, ON THE ROPES THROUGHOUT MUCH OF THE DEBATE.

3. FOLLOWING AN UMNO SUPREME COUNCIL MEETING IN KUALA LUMPUR AUG 8, PM HUSSEIN ANNOUNCED THAT HARUN'S APPLICATION, SUBMITTED IN LATE JULY, TO RE-ENTER UMNO HAD BEEN REFERRED TO THE PARTY'S DISCIPLINE COMMITTEE IN LINE WITH THE UMNO CONSTITUTION. HEAD OF DISCIPLINE COMMITTEE, DEPUTY PM DR. MAHATHIR BIN MOHAMED, SAID HE WOULD HANDLE THE MATTER "CAREFULLY AND DEMOCRATICALLY." THIS MOVE FOLLOWS RESOLUTION PASSED AT JULY 1 UMNO YOUTH GENERAL ASSEMBLY WHICH CALLED FOR THE PARTY LEADERSHIP TO REINSTATE HARUN AS AN ORDINARY MEMBER, AND HUSSEIN ONN'S PROMISE JULY 3 AT THE GENERAL ASSEMBLY OF THE UMNO PARENT BODY THAT THIS RESOLUTION WOULD BE STUDIED IN DETAIL.

4. ON AUG 7 HARUN'S TRIAL COMMENCED ON CHARGES OF FORGERY AND CRIMINAL BREACH OF TRUST IN CONNECTION WITH FINANCING OF LAST YEAR'S MUHAMMAD ALI/JOE BUGNER BOXING MATCH (REF C). DEFENSE IMMEDIATELY RAISED OBJECTIONS TO CASE BEING TRIED IN HIGH COURT INSTEAD OF THE SESSIONS COURT (THE NEXT LOWER LEVEL IN MALAYSIA'S COURT SYSTEM) WHERE HARUN AND HIS TWO CO-DEFENDENTS WERE INITIALLY CHARGED MARCH 12, CONTENDING LIMITED OFFICIAL USE

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THAT SECTION 418(A) OF THE CRIMINAL PROCEDURE CODE UNDER WHICH THE TRANSFER WAS EFFECTED WAS UNCONSTITUTIONAL. FIRST DAY AND HALF'S PROCEEDINGS WERE DOMINATED BY SPARRING OVER PROCEDURAL ASPECTS, WITH SOLICITOR GENERAL TAN SRI SALLEH ABBAS ARGUING THAT THE TRANSFER WAS WITHIN THE ATTORNEY GENERAL'S DISCRETIONARY POWERS, AND DEFENSE CLAIMING ACTION WAS UNCONSTITUTIONAL. PRESIDING JUDGE THEN AGREED WITH

DEFENSE CONTENTION, RULING THAT SECTION 418(A) WAS UNCONSTITUTIONAL SINCE IT PROVIDED UNCONTROLLED DISCRETIONARY POWER TO ATTORNEY GENERAL TO TRANSFER CASES, THEREBY VITIATING "EQUAL PROTECTION OF LAWS" PROVISION OF THE MALAYSIAN CONSTITUTION (ARTICLE VIII-1). JUDGE THEN, HOWEVER, RULED FAVORABLY ON APPLICATION BY PROSECUTION TO TRANSFER CASE UNDER SECTION 417 OF CRIMINAL PROCEDURE CODE WHICH GIVES COURT DISCRETION FOR SUCH TRANSFERS, APPARENTLY ACCEPTING PROSECUTION CONTENTION THAT FURTHER DELAYS IN TRIAL WOULD INCONVENIENCE WITNESSES WHO HAD TRAVELED FROM AS FAR OFF AS NAIROBI AND NOTING THAT THREE WEEKS HAD BEEN BLOCKED OUT FOR TRIAL ON HIGH COURT'S SCHEDULE.

5. COMMENT: HARUN CONTINUES HIS MULTI-FRONT BATTLES TO AVOID JAIL AND TO REVERSE WHAT HAD BEEN, UNTIL THE JULY UMNO MEETINGS, HIS WANING POLITICAL FORTUNES. ELECTION JULY 1 OF FELLOW RIGHT-WINGER SYED JAAFAR ALBAR AS UMNO YOUTH PRESIDENT, COUPLED WITH PASSAGE OF RESOLUTION CALLING FOR HARUN'S REINSTATEMENT, STRENGTHENED POSITION OF HARUN'S ALLIES WITHIN THE PARTY. MANY OF HARUN'S SUPPORTERS BELIEVE HE IS BEING VICTIMIZED BY POLITICAL OPPONENTS AND ACTIONS BY THE UMNO LEADERSHIP BEFORE HE HAS EXHAUSTED ALL APPEALS IN HIS COURT CASES. WHILE THESE FACTORS MAY BE PRESENT TO SOME DEGREE, THE BASIC AND OFTEN OVERLOOKED POINT IS THAT HE WAS EXPELLED, NOT FOR ALLEGED CRIMINAL ACTIVITIES, BUT FOR VIOLATING GROUND RULES ON HIS ACTIVITIES APPARENTLY LAID DOWN BY THE UMNO SUPREME COUNCIL IN NOVEMBER, 1975, FOLLOWING HIS INITIAL COURT INDICTMENT. CONSIDERATION OF HARUN'S APPEAL NOW TECHNICALLY LEAVES OPEN OPTION, HOWEVER REMOTE, THAT HE MIGHT BE READMITTED AS AN ORDINARY PARTY MEMBER. IN THIS REGARD IT IS ESPECIALLY IRONIC THAT MAHATHIR IS PRESIDING OVER REVIEW, SINCE HE HIMSELF WAS EXPELLED FROM UMNO IN JULY, 1969, FOR A "SERIOUS BREACH OF PARTY DISCIPLINE" FOR OPENLY
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CRITICIZING THEN PRIME MINISTER TUNKU ABDUL RAHMAN'S HANDLING OF RACIAL ISSUES DURING THE PERIOD OF MAY, 1969, COMMUNAL RIOTS. THERE IS NO DEADLINE ANNOUNCED FOR COMPLETION OF THE COMMITTEE'S DELIBERATIONS AND WE SUSPECT PARTY LEADERSHIP DOES NOT WISH TO COME TO A DECISION UNTIL AFTER THE VERDICT IS HANDED DOWN ON HARUN'S CURRENT COURT CASE.
UNDERHILL

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